

No. 368, 458 & 459.

Motion papers.

FILED  
JAN 24 1898  
JAMES H. MCKEN

IN THE  
Supreme Court of the United States.

OCTOBER TERM, 1897.  
*Filed Jan. 24, 1898.*

THE TERRITORY OF NEW MEXICO,  
APPELLANT,

v.

THE UNITED STATES TRUST COM-  
PANY OF NEW YORK ET AL.

No. 368.

THE TERRITORY OF NEW MEXICO,  
APPELLANT,

v.

THE UNITED STATES TRUST COM-  
PANY OF NEW YORK ET AL.

No. 458.

THE TERRITORY OF NEW MEXICO,  
APPELLANT,

v.

THE UNITED STATES TRUST COM-  
PANY OF NEW YORK ET AL.

No. 459.

Now comes the Territory of New Mexico, appellant, in  
the three above-entitled causes, and moves the Court to

consolidate the said three cases for argument in this Court and to set them down for argument as a single case, and permit the filing of one set of briefs for use in all three of said cases, for the reason, as will appear by inspection of the records, that the principal question involved in each of said cases is identical, and such differences as there may be are of a minor character which can be readily elucidated and presented in a single brief and argument on each side.

F. W. CLANCY,  
*Solicitor for Appellant.*

I unite in foregoing motion.

E. D. KENNA,  
*Solicitor for Appellees.*

IN THE  
**Supreme Court of the United States.**

OCTOBER TERM, 1897.

THE TERRITORY OF NEW MEXICO,

APPELLANT,

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THE UNITED STATES TRUST COM-  
PANY OF NEW YORK ET AL.

No. 459.

**MOTION TO ADVANCE.**

Now comes the Territory of New Mexico, appellant in each of the three above-entitled causes, and moves the

Court to advance said cases for argument on the earliest practicable day at the present term of the Court, for the following reasons :

1. The said cases involve matters of general public interest in that they are prosecuted for the purpose of establishing the right of the said appellant to recover large amounts of money claimed to be due for taxes levied upon the property of the Atlantic and Pacific Railroad Company as to which an exemption is claimed by virtue of the provisions of the act of Congress approved July 27, 1866, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast."

2. The amount of such taxes with the interest thereon as provided for by the statutes of New Mexico, computed upon the most favorable basis to the appellees, will amount to nearly, if not quite, the sum of \$200,000 by the time a decision can be reached in this Court, even if the cases be advanced, and the financial condition of the said Territory of New Mexico is such as to make it highly important to have such decision at the earliest possible day.

3. The rate of interest upon delinquent taxes as fixed by the statutes of New Mexico is twenty-five per centum per annum, and if the appellees are required ultimately to pay the said taxes, it is only fair and just to them that the fact should be ascertained as soon as possible so as to stop the running of such a high rate of interest.

F. W. CLANCY,  
*Solicitor for Appellant.*

I unite in foregoing motion.

E. D. KENNA,  
*Solicitor for Appellees.*